

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 226 be amended to read as follows:

- 1 Page 2, delete lines 5 through 42, begin a new paragraph and insert:
- 2 "SECTION 2. IC 8-1.5-2-5 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each
- 4 appraiser appointed as provided by section 4 of this chapter must:
- 5 (1) by education and experience, have such expert and technical
- 6 knowledge and qualifications as to make a proper appraisal and
- 7 valuation of the property of the type and nature involved in the
- 8 sale;
- 9 (2) be a disinterested person; and
- 10 (3) not be a resident or taxpayer of the municipality.
- 11 (b) The appraisers shall:
- 12 (1) be sworn to make a just and true valuation of the property; and
- 13 (2) return their appraisal, in writing, to the municipal legislative
- 14 body within the time fixed by the **ordinance or** resolution
- 15 appointing them.
- 16 (c) If all three (3) appraisers cannot agree as to the appraised value,
- 17 the appraisal, when signed by two (2) of the appraisers, constitutes a
- 18 good and valid appraisal.
- 19 (d) ~~Not later than fifteen (15) days~~ **If**, after the return of the
- 20 appraisal by the appraisers to the legislative body, the **legislative body**
- 21 **decides to proceed with the sale or disposition of the nonsurplus**
- 22 **municipally owned utility property, the legislative body shall, not**
- 23 **later than forty-five (45) days after the return of the appraisal,**
- 24 **hold a public hearing to do the following:**

1 **(1) Review and explain the appraisal.**

2 **(2) Receive public comment on the proposed sale or**
 3 **disposition of the nonsurplus municipally owned utility**
 4 **property.**

5 **(3) Adopt an ordinance providing for the sale or disposition of**
 6 **the nonsurplus municipally owned utility property. The**
 7 **legislative body is not required to adopt an ordinance under**
 8 **this subdivision if, after the hearing, the legislative body**
 9 **determines it is not in the interest of the municipality to**
 10 **proceed with the sale or disposition.**

11 Notice of ~~a~~ **the** hearing on an ordinance providing for sale or
 12 disposition of the property and the total valuation of the property as
 13 fixed by the appraisal shall be published in the manner prescribed
 14 by IC 5-3-1.

15 (e) The hearing on the ordinance providing for sale or disposition
 16 may not be held for thirty (30) days after notice is given as required by
 17 subsection (d).

18 (f) If:

19 **(1) the legislative body adopts an ordinance under subsection**
 20 **(d)(3); and**

21 **(2) within this the thirty (30) day period described in subsection**
 22 **(e), at least the number of the registered voters of the municipality**
 23 **required under IC 3-8-6-3 for a petition to place a candidate on**
 24 **the ballot sign and present a petition to the legislative body**
 25 **opposing the sale or disposition;**

26 the legislative body shall submit the question as to whether the sale **or**
 27 **disposition** shall be made to the voters of the municipality at a special
 28 or general election. In submitting the public question to the voters, the
 29 legislative body shall certify the question to the county election board
 30 of the county containing the greatest percentage of population of the
 31 municipality under IC 3-10-9-3. The county election board shall adopt
 32 a resolution setting forth the text of the public question and shall
 33 submit the question as to whether the sale **or disposition** shall be made
 34 to the voters of the municipality at a special or general election on a
 35 date specified by the municipal legislative body. **Pending the results**
 36 **of an election under this subsection, the municipality may not take**
 37 **further action to sell or dispose of the property as provided in the**
 38 **ordinance.**

39 (g) If a majority of the voters voting on the question vote for the sale
 40 **or disposition**, the legislative body shall proceed to sell the property
 41 as provided in the ordinance.

42 (h) If a majority of the voters voting on the question vote against the
 43 sale **or disposition**, the sale may not be made.

44 (i) If:

45 **(1) the legislative body adopts an ordinance under subsection**
 46 **(d)(3); and**

- 1 **(2)** after the expiration of thirty (30) days as provided in
2 subsection (e), a petition is not filed;
3 the municipal legislative body ~~shall~~ **may** proceed to sell the property
4 as provided in the ordinance."
5 Page 3, delete lines 1 through 19.
6 Renumber all SECTIONS consecutively.
 (Reference is to ESB 226 as printed February 22, 2008.)

Representative Welch